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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2016/2017

UFL1612 – FAMILY LAW (All Sections / Groups)

3 MARCH 2017
Reading Time : 9.00 a.m. – 9.15 a.m.
(15 Minutes)
Answering Time: 9.15 a.m. – 12.15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of 2 pages with **5 Questions** only.
3. Attempt **FOUR** out of **FIVE** questions. All questions carry equal marks and the distribution of the marks for each question is given.
4. Students are allowed to bring into the Examination Hall **CLEAN** and **ORIGINAL** copy of:
 - i. Law Reform (Marriage and Divorce) Act 1976
5. Please write all your answers in the Answer Booklet provided.

QUESTION 1

The law which governs non-Muslim marriages in Malaysia is the Law Reform (Marriage and Divorce) Act 1976. It was gazetted in 1976 but was enforced throughout Malaysia with effect from 1 March 1982. The long title provides for, *inter alia* monogamous marriage and the solemnization and the registration of such marriages.

Critically discuss and explain the marriage requirements under the relevant provision in the Law Reform (Marriage and Divorce) Act 1976 and support your discussion with decided cases.

(Total marks: 25)

QUESTION 2

Hae Jun Jae who is domiciled in England married Shim Chung who is domiciled in Malaysia under the Law Reform (Marriage and Divorce) Act 1976. In November 2010, Hae Jun Jae became a Muslim and left for England, to teach Islamic Law at the University of London. The parties have lived apart since then. After being married for eighteen months, Shim Chung wishes to apply for divorce in Malaysia. Advise her.

(Total marks: 25)

QUESTION 3

Noh Eun Seoul is the mother of three children aged seven, nine and twelve. She has been married to Cha Jie Heon for the last thirteen years. Cha Jie Heon work as a lorry driver and he habitually beats her up whenever he is drunk. Cha Jie Heon would also beat the three children whenever they try to protect their mother.

In 2011, Cha Jie Heon brought home his girlfriend, Candy, to live with them in their matrimonial house. Noh Eun Seoul was very upset over this and during one heated argument, Cha Jie Heon punched her on the mouth and stomach and told her to leave the house with the children. Noh Eun Seoul left the house with the children. She moved into a relative's house and took a job as a cleaner to support herself and the children.

Advise Noh Eun Seoul regarding the maintenance for herself and her three children.

(Total marks: 25)

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QUESTION 4

One of the ground of dissolution of marriage is upon conversion one of the parties to Islam. Discuss the application of Section 51 of Law Reform (Marriage & Divorce) Act 1976 in dissolving the marriage and the problem and difficulties that arise upon its application. Suggest some ways to improve the existing provision.

(Total marks: 25)

QUESTION 5

Romy married Jane at the age of 40. After the marriage, Remy was diagnosed with mental disorder symptoms. A few years later, he was hospitalized for three months to be under the doctor's close supervision.

Upon his discharge from the hospital, Jane left the matrimonial home as she could not bear living with a sick husband. She brought together their children, Benji and Anne, 10 and 5 years old respectively with her. Romy still love his family and wanted them back but Jane refused. Both of their children love the father but they want to follow their mother.

The situation continued for almost three years. Last month, Jane comes and seeks your advice on her intention to dissolve the marriage. In the meantime, Romy disagrees to divorce petition and want to get the custody of the children. Advise Jane of the possible options and claims available to her in respect of dissolution of marriage.

(Total marks: 25)

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